

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PASQUAL LOZANO,

Case No. 3:12-cv-00574-MMD-VPC

Petitioner.

v.

ROBERT LeGRAND, WARDEN, et al.,

Respondents.

ORDER

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15 Petitioner has filed a notice of no amended petition (ECF No. 41). The Court thus
16 has reviewed the operative second amended petition (ECF No. 26) pursuant to Rule 4 of
17 the Rules Governing Section 2254 Cases in the United States District Courts.
18 Respondents will need to respond to the second amended petition.

19 Petitioner also has filed a motion for leave to file statement of exhaustion in support
20 of the second amended petition (ECF No. 40). The Court grants this motion. If
21 respondents disagree with the statement, they may still file a motion regarding the
22 exhaustion of petitioner's grounds.

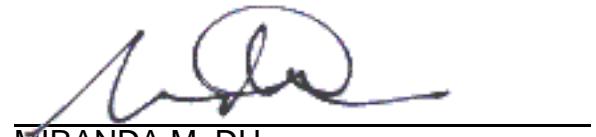
23 It is therefore ordered that petitioner's motion for leave to file statement of
24 exhaustion in support of the second amended petition (ECF No. 40) is granted.

25 It is further ordered that respondents will have forty-five (45) days from the date of
26 entry of this order to answer or otherwise respond to the second amended petition (ECF
27 No. 26). Respondents must raise all potential affirmative defenses in the initial responsive
28 pleading, including lack of exhaustion and procedural default. Successive motions to

1 dismiss will not be entertained. If respondents file and serve an answer, then they must
2 comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States
3 District Courts, and then petitioner will have forty-five (45) days from the date on which
4 the answer is served to file a reply. If respondents file a motion, then the briefing schedule
5 of Local Rule LR 7-2 will apply.

6 DATED THIS 28th day of October 2016.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE